

PROB 12B  
(7/93)

**United States District Court**  
**for**  
**District of New Jersey**  
**Request for Modifying the Conditions or Term of Supervision**  
**with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: James Roy Smith

Cr.: 13-00383-001  
PACTS #: 67406

Name of Sentencing Judicial Officer: THE HONORABLE STANLEY R. CHESLER  
SENIOR UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 08/14/2014

Original Offense: CONSPIRACY TO TRANSPORT INDIVIDUALS ENGAGED IN PROSTITUTION;  
TRANSPORTING FOR PROSTITUTION

Original Sentence: 51 months imprisonment, 15 years supervised release

Special Conditions: Special Assessment, Fine, Substance Abuse Testing, Alcohol Treatment, Drug Treatment, No New Debt/Credit, Employment Requirements/Restrictions

Type of Supervision: Supervised Release

Date Supervision Commenced: N/A

**PETITIONING THE COURT**

☐ To extend the term of supervision for \_\_\_\_ years, for a total term of \_\_\_\_ years.

☒ To modify the conditions of supervision as follows:

1. Except as authorized by court order, the defendant shall not possess, use or sell marijuana or any marijuana derivative (including THC) in any form (including edibles) or for any purpose ~~(including medical purposes). Without the prior permission of the probation officer, the defendant~~ shall not enter any marijuana dispensary or grow facility.

2. The defendant shall participate in and successfully complete a program of mental health treatment, as approved by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall pay the cost of treatment as directed by the probation officer.

3. The defendant shall not cause or induce anyone to conduct any financial transaction on his behalf or maintain funds on his behalf.

4. All employment for the defendant shall be approved in advance by the supervising probation officer. The defendant shall not be employed by any family member or known associate without permission of the probation officer. The defendant shall not engage in any business activity unless the activity is approved by the probation officer. Any approved business activity must operate under a formal, registered entity. For any approved business activity, the defendant shall provide the probation officer with the names of all business entities and their registered agents. The defendant shall not register any new business entity, foreign or domestic, without the

approval of the probation officer. The defendant shall not cause or induce others to register business entities on his behalf. For any approved business activity, the defendant shall maintain business records. The defendant shall provide all requested documentation and records to the probation officer regarding any of his business activities as requested by the probation officer.

5. The defendant shall maintain separate personal and business finances and shall not co-mingle personal and business funds or income in any financial accounts, including but not limited to bank accounts and lines of credit.

6. The defendant shall comply with all legal obligations associated with the Colorado Department of Revenue and the Internal Revenue Service regarding federal and state income taxes. This includes resolution of any tax arrearages as well as continued compliance with federal and state laws regarding the filing of taxes.

7. The defendant shall submit his person, property, house, residence, papers, [computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media,] or office, to a search conducted by a United States probation officer. Failure to submit to search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

8. The defendant shall not associate with or have contact with any gang members and shall not participate in gang activity, to include displaying gang paraphernalia.

### CAUSE

The inmate submitted a request to reside with his mother, Corine Billingsley, at 2637 S. Wadsworth Way, Lakewood, Colorado. The District of Colorado advised the inmate is in need of additional conditions, as outlined above, to reconsider his request for relocation. The inmate is willing to have his conditions modified to meet the criteria for relocation.

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James Roy Smith

Respectfully submitted,

By: Ivettelis Perez  
U.S. Probation Officer

*Maureen Kelly* Maureen Kelly  
2016.06.09  
09:11:44 -04'00'

Date: 06/09/2016

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THE COURT ORDERS:

☒ The Modification of Conditions as Noted Above

☐ No Action

☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

  
\_\_\_\_\_  
Date

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PROB 49  
(3/89)

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

☐ To extend the term of supervision for \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.

☒ To modify the conditions of supervision as follows:

1. Except as authorized by court order, the defendant shall not possess, use or sell marijuana or any marijuana derivative (including THC) in any form (including edibles) or for any purpose (including medical purposes). Without the prior permission of the probation officer, the defendant shall not enter any marijuana dispensary or grow facility.

2. The defendant shall participate in and successfully complete a program of mental health treatment, as approved by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall pay the cost of treatment as directed by the probation officer.

3. The defendant shall not cause or induce anyone to conduct any financial transaction on his behalf or maintain funds on his behalf.

4. All employment for the defendant shall be approved in advance by the supervising probation officer. The defendant shall not be employed by any family member or known associate without permission of the probation officer. The defendant shall not engage in any business activity unless the activity is approved by the probation officer. Any approved business activity must operate under a formal, registered entity. For any approved business activity, the defendant shall provide the probation officer with the names of all business entities and their registered agents. The defendant shall not register any new business entity, foreign or domestic, without the approval of the probation officer. The defendant shall not cause or induce others to register business entities on his behalf. For any approved business activity, the defendant shall maintain business records. The defendant shall provide all requested documentation and records to the probation officer regarding any of his business activities as requested by the probation officer.

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6. The defendant shall comply with all legal obligations associated with the Colorado Department of Revenue and the Internal Revenue Service regarding federal and state income taxes. This

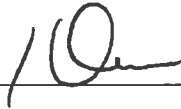
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James Roy Smith

includes resolution of any tax arrearages as well as continued compliance with federal and state laws regarding the filing of taxes.


7. The defendant shall submit his person, property, house, residence, papers, [computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media,] or office, to a search conducted by a United States probation officer. Failure to submit to search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

8. The defendant shall not associate with or have contact with any gang members and shall not participate in gang activity, to include displaying gang paraphernalia.

Witness:

LBueno / 

Signed:

  
Inmate 12507 046  
James Roy Smith

5/31/16  
Date

UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY

WILFREDO TORRES  
CHIEF PROBATION OFFICER

THOMAS C. MILLER  
SR. DEPUTY CHIEF PROBATION OFFICER

BETH L. NEUGASS  
DEPUTY CHIEF PROBATION OFFICER

June 9, 2016

U.S. COURTHOUSE  
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The Honorable Stanley R. Chesler  
Senior United States District Judge  
Martin Luther King Jr. Federal Courthouse  
PO Box 0999  
Newark, NJ 07102-0999

Re: Smith, James Roy  
Dkt #: 2:13CR383-1  
**Request for Modification of Conditions**

Dear Judge Chesler,

On August 14, 2014, the offender was sentenced before Your Honor to 51 months imprisonment followed by a fifteen-year-term of supervised release for conspiracy to transport individuals engaged in prostitution and transportation for prostitution. The Court imposed the standard conditions of supervision, along with a \$200 special assessment, \$5,000 fine, alcohol/drug testing and treatment, new debt restrictions, and self-employment/business disclosure conditions. The offender was also ordered to forfeit a 2007 Cadillac Escalade. On November 20, 2014, the Court amended the judgment to include an order of \$1,000 in restitution. Smith is scheduled to be released from federal custody on January 26, 2018.

Smith submitted a request to the District of Colorado to reside with his mother, Corine Billingsley, at 2637 S. Wadsworth Way, Lakewood, Colorado, upon his release from custody. The District of Colorado advised the offender is in need of additional conditions, as outlined in the attached petition, to reconsider his request for relocation. The offender is willing to have his conditions modified to meet the criteria to relocate to Colorado and has signed the attached waiver.

We respectfully recommend that Your Honor review and sign the attached Probation Form 12B authorizing this modification. If Your Honor wishes to discuss the matter, please contact the undersigned at (973) 476-7167. Thank you!

Respectfully submitted,

*Maureen Kelly*

Maureen Kelly  
2016.06.09 09:15:30  
-04'00'

Ivettelis Perez  
U.S. Probation Officer

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Attachments